

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LG 60 Doe,

Plaintiff,

Civ. No.:

v.

Lancaster Central School District,  
Lancaster Central School District Board of  
Education

Defendants.

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**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1446, defendants Lancaster Central School District and Lancaster Central School District Board of Education, hereby remove the action pending in the State of New York, County of Erie, entitled *LG 60 Doe v. Lancaster Central School District and Lancaster Central School District Board of Education*, to the United States District Court, Western District of New York, and that this Notice of Removal, together with a copy of all process, pleadings, and orders, have been filed in the Office of the United States District Court for the Western District of New York.

The grounds for removal are as follows:

1. On or about July 17, 2020, Plaintiff commenced an action against the Lancaster Central School District and the Lancaster Central School District Board of Education in the State of New York, County of Erie, index number 807427/2020 by the

filing of a Summons and Complaint (Exhibit A). Plaintiff's summons and complaint did not contain any basis for removal.

2. On September 3, 2021, Plaintiff served Defendants with her response to Defendants' First Set of Interrogatories, which was the initial pleading that set forth a basis for removal.

3. Plaintiff's Response to Defendants' First Set of Interrogatories (Exhibit AA) alleges that the Defendants' deprived Plaintiff of her Fourteenth Amendment due process rights and violated the Fourth Amendment pursuant to 42 U.S.C. § 1983. Plaintiff states that the Defendants were deliberately indifferent and disregarded the constitutional and civil rights of Plaintiff. Plaintiff further states that the Defendants subjected Plaintiff to a hostile educational environment in violation of Title IX of the Education amendment of 1972, 20 U.S.C. § 1681(a).

4. Less than thirty (30) days have passed since receipt of the Plaintiff's Response to Defendants' First Set of Interrogatories.

5. As this is a civil action arising under the Constitution, laws or treaties of the United States, this Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

6. This Court has supplemental jurisdiction over the claims asserted pursuant to 28 U.S.C. § 1367, because those claims form part of the same case or controversy as Plaintiff's theories of liability under 42 U.S.C. § 1983 and 20 U.S.C. § 1681(a).

7. This action is removable to this Court pursuant to 28 U.S.C. § 1441.

8. Pursuant to 28 U.S.C. § 1446, not more than thirty (30) days have elapsed since Defendants received Plaintiff's Response to Defendants' First Set of Interrogatories. Written notice of the filing of this notice of removal, along with all attachments hereto, has been provided to Plaintiff's counsel. The written notice of filing and a copy of this notice of removal will be filed with the Clerk of the Supreme Court of the County of Erie contemporaneously with the filing in this Court.

**WHEREFORE**, the Defendants Lancaster Central School District and the Lancaster Central School District Board of Education request that the action now pending against it in the State of New York, County of Erie, be removed to this Court.

DATED: October 1, 2021

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## INDEX OF DOCUMENTS FILED WITH STATE COURT

Exhibit A	Summons and Complaint Filed July 17, 2020 with the Erie County Clerk
Exhibit B	Order to Show Cause (Proposed and Executed), Affidavit in Support of Proposed Order to Show Cause with Exhibits and RJI Filed July 22, 2020 and July 28, 2020 with the Erie County Clerk
Exhibit C	Affidavits of Service of Summons and Complaint Filed August 20, 2020 with the Erie County Clerk
Exhibit D	Affidavits of Service of Order to Show Cause Filed August 20, 2020 with the Erie County Clerk
Exhibit E	Lancaster Central School District's letter requesting an extension to respond to the Order to Show Cause Filed August 21, 2020 with the Erie County Clerk
Exhibit F	Order Granting Lancaster Central School District's request for extension to respond to the Order to Show Cause Filed August 26, 2020 with the Erie County Clerk
Exhibit G	Plaintiff's Letter to Judge regarding use of pseudonym Filed September 10, 2020 with the Erie County Clerk
Exhibit H	Plaintiff's Proposed Order regarding use pseudonym Filed September 10, 2020 with the Erie County Clerk
Exhibit I	Lancaster Central School District's Notice of Motion, Affirmation with exhibits, and Memorandum of Law in support of motion to dismiss Filed September 18, 2020 with the Erie County Clerk
Exhibit J	Notice of Appearance by Attorney Cavarello for the Town of Lancaster

- Exhibit K      Filed October 7, 2020 with the Erie County Clerk  
Plaintiff's letter to Judge for adjournment of Lancaster  
Central School District's motion to dismiss  
Filed November 16, 2020 with the Erie County Clerk
- Exhibit L      Plaintiff's Attorney Affirmation with exhibits in opposition to  
Lancaster Central School District's motion to dismiss  
Filed December 2, 2020 with the Erie County Clerk
- Exhibit M      Lancaster Central School District's Reply Affirmation with  
exhibits and Reply Memorandum of Law in support of  
motion to dismiss  
Filed December 9, 2020 with the Erie County Clerk
- Exhibit N      Proposed Order and Executed Order on removing name  
from caption  
Filed December 29, 2020 and January 6, 2021 with the  
Erie County Clerk
- Exhibit O      Notice of Entry of Order on removing name from caption  
Filed January 7, 2021 with the Erie County Clerk
- Exhibit P      Decision and Amended Decision on Lancaster Central  
School District's motion to dismiss  
Filed January 12, 2021 with the Erie County Clerk
- Exhibit Q      Town of Lancaster's Notice of Motion, Affirmation with  
exhibits, and Memorandum of Law in support of motion to  
dismiss  
Filed January 22, 2021 with the Erie County Clerk
- Exhibit R      Proposed and Executed Order, with exhibit, on Lancaster  
Central School District's Motion to Dismiss  
Filed February 4, 2021 and February 10, 2021 with the  
Erie County Clerk
- Exhibit S      Notice of Entry of Order on Lancaster Central School  
District's Motion to Dismiss  
Filed February 10, 2021 with the Erie County Clerk

- Exhibit T            Plaintiff's Notice of Appeal and Corrected Notice of Appeal  
Order on Lancaster Central School District's Motion to  
Dismiss  
Filed March 8, 2021 with the Erie County Clerk
- Exhibit U            Lancaster Central School District's Answer to Complaint  
Filed March 16, 2021 with the Erie County Clerk
- Exhibit V            Stipulation of Partial Discontinuance and Amendment of  
Caption  
Filed April 5, 2021 with the Erie County Clerk
- Exhibit W            Notice to Clerk of Amendment of Caption  
Filed April 6, 2021 with the Erie County Clerk
- Exhibit X            Plaintiff's letter to Judge enclosing proposed Scheduling  
Order and executed Trial Scheduling Order  
Filed April 12, 2021 and April 13, 2021 with the Erie  
County Clerk
- Exhibit Y            Lancaster Central School District's letter to Judge  
enclosing Amended Scheduling Order and executed  
Amended Scheduling Order  
Filed July 19, 2021 and July 20, 2021 with the Erie County  
Clerk
- Exhibit Z            Lancaster Central School District's Notice of Motion,  
Affirmation with exhibits in support of motion to compel  
Filed July 22, 2021 with the Erie County Clerk